

Madison County Land Use Ordinance

Proposed Changes

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Additions to Section 2.1

Interpretation of Commonly Used Terms and Words

8. Except as defined herein, all other words used in this Ordinance shall have their dictionary definition or, for more planning-specific terms, the definition found in the most recent edition of "A Planners Dictionary," as published by the American Planning Association. If there is a conflict between the dictionary definition of a term and the definition provided in A Planners Dictionary, the definition provided in A Planners Dictionary shall be used.

Additions to Section 2.2 Definitions

Assembly Hall

~~A meeting place at which the public or membership groups are assembled regularly or occasionally, including but not limited to schools, churches, theaters, auditoriums, funeral homes, stadiums, and similar places of assembly.~~

Facility

A structure or place which is built, installed, or established to serve a particular purpose.

Special Event Facility

A facility used to accommodate functions including, but not limited to, banquets, weddings, celebrations, dinners, festivals, concerts, or other group events. Church and Religious Institutions are not included in this definition.

Additions to Chapter 8 Special Requirements

8.10 Special Event Facility

The development of a Special Event Facility shall go before the Board of Adjustment for a special use permit and shall conform to all applicable standards. Any property used for a special event facility shall also comply with the following standards:

8.10.1 Purpose. The purpose of this section is to establish a set of regulations applicable to Special Event Facilities. These regulations are in addition to all other provisions of this

ordinance. In adopting these standards, Madison County finds that Special Event Facilities have the potential to be incompatible with surrounding residential uses, thereby having the potential for a deleterious effect on adjacent residents. Special regulations for Special Event Facilities are necessary to ensure they will be compatible with surrounding residential uses and will not act to harm or alter the neighborhoods they are located in.

8.10.2 Permit

Any person, firm, or corporation wanting to construct or expand a Special Event Facility shall first submit an application and site development plan to the Madison County Zoning Office. Applications shall contain all information this Ordinance requires and any additional information requested by the Zoning Administrator. An application will not be complete until it contains all required and requested information. After an application is complete, the Madison County Zoning Office shall forward the application to the Madison County Board of Adjustment for a special use hearing.

8.10.3 Requirements for Applications/Site Development Plans

8.10.3.1 Narrative

A narrative describing the proposed Special Event Facility, including an overview of the project with specific hours of operation and the anticipated acoustic impact (including volume) of events and attendees;

8.10.3.2 Site Plan

A site plan showing the proposed location, height, and dimensions of all existing and proposed structures, screening, fencing, retaining walls, property lines, existing and proposed parking, access roads, and the location of any residence within 100 yards of the property line of the Lot;

8.10.3.3 Elevation Drawings

An elevation drawing of the proposed buildings and material list to show the structural details of the building, communicate exterior design choices, and give an idea of what the finished building will look like.

8.10.4 Landscaping Buffers

The facility and area associated with the use shall be screened from adjoining properties by a buffer strip. The buffer strip shall comply with the requirements in the definition of a buffer strip.

8.10.5 Use Separation

All equipment, structures, and parking shall be a minimum of thirty feet from all property lines and one-hundred feet from any occupied residential structure on adjacent properties.

8.10.6 Building Size

The total floor area of any building in a residential zone used as a special event facility shall contain no more than seven thousand five hundred (7,500) square feet of gross floor area. There shall be no more than one special event facility structure per 5 acres on residentially zoned properties.

8.10.7 Noise Level

All Special Event Facilities shall adhere to the Madison County Noise Ordinance.

8.10.8 Structural Requirements

The facility shall meet all requirements of the North Carolina State Building Code and meet any Environmental Health requirements for sewage disposal and water supply.

8.10.9 Parking

Special Event Facilities shall comply with the parking requirements of the Madison County Land Use Ordinance and the maximum occupancy according to the North Carolina State Building Code. Parking surfaces are not required to be paved. Parking requirements can be met with a written agreement or lease for offsite parking.

8.10.10 Signage

One On-Premise sign is allowed in accordance with the Madison County Land Use Ordinance.

8.10.11 Existing Special Event Facilities|Non-conforming Uses

All Special Event Facilities legally in existence and use prior to the adoption of Section 8.10 may continue to operate during an amortization period of one year without being subject to the terms and conditions of Section 8.10. However, all Special Event Facilities, regardless of their existence prior to the adoption of Section 8.10, shall comply with Section 8.10.7 and 8.10.14 upon adoption of Section 8.10.

All Special Event Facilities must come into compliance with Section 8.10 and its subparts within one year after the adoption of Section 8.10, including applying for and obtaining a special use permit from the Board of Adjustment.

8.10.12 Fireworks

Fireworks are not permitted except for sparklers, fountains, and novelty fireworks items that do not explode or are not intended to spin or leave the ground and fly through the air and are legal for individual purchase in North Carolina.

8.10.13 Local Contact Person

All Special Event Facilities shall designate a local contact person who shall provide their contact information, including email and phone number for business and emergency contact.

8.10.14 Violation of Special Use Permit or Section 8.10

Except as specifically provided herein, if at any time after a special use permit has been issued for a special event facility and it is determined that the conditions imposed and the agreements made in the special use permit have not been or are not being fulfilled or there has been a violation of Section 8.10, the special use permit shall immediately terminate and the operation of such use discontinued upon issuance of a notice of violation.

A violation of any portion of a special event facility special use permit or Section 8.10 shall result in the issuance of a Notice of Violation.

Notices of violation may be appealed to the Board of Adjustment consistent with the procedures provided in this Ordinance. If a special use permit is terminated due to the issuance of a notice of violation, it may be reinstated only after a public hearing is held before the Board of Adjustment, and the notice is either reversed or, in the event the notice is either affirmed or not appealed, a new special use permit is applied for and approved by the Board of Adjustment. If a Special Event Facility is cited for violating the Madison County Noise Ordinance more than once within a six (6) month period, its special use permit shall be terminated, and the use shall be discontinued.